HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO: 22239 of 2002

Dated: 25-07-2007

Between:

B.Satyam

..... PETIT

AND

The State Transport Appellate Authority,
Rep., by its Secretary,
A.P., Hyderabad and 2 others.

.....RESPONI

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 22239 of 2002

O R D E R:

This writ petition is filed for a writ of certiorari to quash the order dated 04-06-2002 passed by the first respondent in A.P.No.45 of 2000.

The petitioner, who is an existing operator on the interstate route Parvathipuram to Ichapuram via Veeraghattam, Palakonda, Srikakulam, Narasannapeta, Tekkali, Kasibugga and Sompeta, , made an application for grant of another permit on the same route. The said application was considered and rejected by the first respondent-State Transport Appellate Authority by order dated 16-10-1999. The said order of the first respondent was questioned before the State Transport Appellate Tribunal, Hyderabad (for short 'the Tribunal') and the Tribunal vide order dated 04-06-2002 affirmed the order of the first respondent and dismissed the appeal. Feeling aggrieved by the said two orders, the petitioner filed the present writ petition.

Heard Smt. M.Vinobha Devi, learned counsel for the petitioner and Sri K.Srinivasa Rao, learned standing counsel for A.P.S.R.T.C.

Smt. Vinobha Devi submitted that the scheme relating to the route Ichapuram to Parvathipuram is covered by a scheme approved under G.O.Ms.No.1139 dated 9-11-1987 and that since the scheme saves the existing operators, the petitioner is entitled to another permit on the same route.

Sri K.Srinivasa Rao submitted that the petitioner is already plying a vehicle on the said route under a permit and that the claim of the petitioner for another permit is wholly misplaced since the scheme does not provide for grant of a new permit other than the permit already in existence at the time of publication of the scheme.

I have perused the order of the Tribunal and also perused G.O.Ms.No.1139, dated 09-11-1987.

The footnote to the said Government Order reads as under:

Note: This scheme shall not affect:-

1. the State Transport Undertakings;
2. the holders of existing stage carriage permits in

respect of town services;

3. the holders of existing stage carriage permits in respect of inter-state routes overlapping on the notified route.
4. the holders of stage carriage permits in respect of such route of routes overlapping not more than 8 kms., on the notified route;
5. the services operated by Devasthanams.

I am unable to agree with the learned counsel for the petitioner that since the scheme saves the operators who were already plying the vehicles under stage carriage permits and that therefore, they are entitled to further permits. If this contention of the learned counsel for the petitioner is accepted, the very purpose of nationalizing the route by notifying the scheme will be rendered otiose. Evidently in order to avoid hardship to the existing stage carriage permit holders plying their vehicles at the time of its publication of the scheme, they are exempted under the scheme and it does not create any right in the existing stage carriage permit holders to seek more and more stage carriage permits after publication of the scheme.

I do not, therefore, see any error in the order passed by the Tribunal in declining to interfere with the order of rejection passed by the State Transport Authority.

For the aforementioned reasons, the writ petition is dismissed. No costs.

C.V.NAGARJUNA REDDY,J

Date: 25-07-2007
KLP